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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. <u>99-200</u> /
	)	
Implementation of the Local Competition	)	
Provisions of the Telecommunications Act	)	CC Docket No. 96-98
of 1996	)	
	)	
Washington Utilities and Transportation	)	
Commission's Amended Petition for	)	
Additional Delegated Authority to	)	
Implement Number Conservation Measures	)	NSD File No. L-99-102

**QWEST CORPORATION REQUEST FOR CLARIFICATION OR  
DECLARATION REGARDING THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION'S DELEGATED AUTHORITY  
ASSOCIATED WITH NUMBER POOLING TRIALS IN THE STATE  
OF WASHINGTON**

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January 22, 2001

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- I. INTRODUCTION AND SUMMARY: THERE IS A NEED FOR CLARIFICATION/  
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ORDER INsofar as it ADDRESSED THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION'S REQUEST FOR RELIEF
- 

At the end of last year, the Washington Utilities and Transportation Commission ("WUTC") ordered carriers in that state, including Qwest Corporation ("Qwest"), to begin a number pooling trial in the eastern part of the state, specifically the Spokane/509 Numbering Plan Area ("NPA").<sup>1</sup> Qwest does not believe that the WUTC has authority under the Federal Communications Commission ("Commission" or "FCC") State Delegation Order<sup>2</sup> to order such

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<sup>1</sup> A copy of the WUTC Order is attached as Attachment 1.

<sup>2</sup> See In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act . . . Washington Utilities and Transportation Commission's Amended Petition for Additional Delegated Authority to

pooling. Qwest has filed for reconsideration of the pooling mandate with the WUTC, and has asked that -- absent reconsideration of the mandate -- that we be granted a waiver from the particulars of the WUTC Order.<sup>3</sup> We are hopeful that our requested relief will be granted expeditiously.

However, there is a legal difference of opinion in this case which could prolong the resolution of this matter. The issue is: "Just what authority was delegated to the WUTC in the State Delegation Order regarding number pooling?" Qwest believes that the pleadings filed by the WUTC clearly presented facts supporting "special circumstances" only with respect to **western** Washington and the area codes in that geography. The Spokane area (and the 509 area code) were mentioned, at most, in passing and most often in the context of general discussions around what the WUTC determined to be a numbering crisis in that state. Given the scope of the pleadings, Qwest is confident that the delegated authority granted to the WUTC was confined to western Washington. Still, the WUTC believes otherwise.

As part of working toward resolution of the matters pending at the WUTC, a "clarification" as to the scope of the State Delegation Order is necessary. Alternatively, a Declaratory Ruling (pursuant to 47 C.F.R. Section 1.2) is appropriate to remove uncertainty or terminate any controversy surrounding the scope of the State Delegation Order as it pertains to the authority delegated to the WUTC. Both requests for relief are supported by the fact that the Commission's own regulations specify that "if the Commission delegates any

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Implement Number Conservation Measures, CC Docket Nos. 99-200 and 96-98, NSD File No. L-99-102, Order, DA 00-1616, 2000 FCC Lexis 3752, rel. July 20, 2000 ("State Delegation Order").

<sup>3</sup> A copy of Qwest's filing is attached as Attachment 2. The attachments to that filing are not being provided as they fundamentally pertain to the matter of the waiver being sought from the WUTC rather than the matter of reconsideration.

telecommunications numbering administration functions to any state, the states must perform the functions in a manner consistent with these general requirements.”<sup>4</sup> Whether such is being done is the fundamental question associated with this filing. We ask this Commission to declare that the scope of the delegated authority granted to the WUTC in the State Delegation Order was confined to **western** Washington and that a new Petition for additional delegated authority must be filed and ruled on before the WUTC can mandate number pooling in the Spokane area.

II. THE STATE DELEGATION ORDER ONLY GRANTED RELIEF REGARDING SITUATIONS PLED AND PROVED TO DEMONSTRATE “SPECIAL CIRCUMSTANCES.” THE WUTC MADE NO SUCH CASE REGARDING SPOKANE.

A. History Leading Up To The State Delegation Order

In 1998, the Commission handed down its 1998 Pennsylvania Numbering Order.<sup>5</sup> Expressing its interest in the work being done by the states in the area of number conservation, the Commission “encourage[d] . . . state commissions, prior to the release of any order implementing a number conservation plan or number pooling trial, to request from the Commission an additional, limited, delegation of authority to implement [its] proposed conservation methods.”<sup>6</sup> Predictably, state petitions were filed. And, what began as a trickle became a flood. The WUTC was one of those filing parties.

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<sup>4</sup> See In the Matter of Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, Order, 14 FCC Rcd. 16440, 16441 ¶ 2 (referencing 47 C.F.R. Section 52.9(b)) (1999).

<sup>5</sup> See In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, NSD File No. L-97-42; CC Docket No. 96-98, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd. 19009 (“1998 Pennsylvania Numbering Order”) (1998).

<sup>6</sup> Id. at 19041 ¶ 31.

After the filing of a number of these petitions, the Commission handed down its Numbering Resource Optimization Order,<sup>7</sup> outlining its view for national thousands block number pooling. In that Order, the FCC established basic criteria for the implementation of number pooling, including a deployment schedule.<sup>8</sup> That schedule provided for the implementation of number pooling in the top 100 Metropolitan Statistical Areas (“MSA”)<sup>9</sup> first in order to allow carriers to have the necessary resources to provide a rational, phased-in pooling methodology. This deployment schedule was acknowledged to have room for some deviation, but only after the granting of a waiver of additional delegated authority to the states to deviate from it.

In that Order, the FCC acknowledged that it had received a number of state petitions for delegated authority (pursuant to its invitation in the 1998 Pennsylvania Numbering Order) and that it had responded to some of these petitions individually in prior Orders. The Numbering Resource Optimization Order provided that states that had already received delegated authority to proceed with number pooling trials had until September of 2000 to bring those trials into conformity with the specifics of the Order.<sup>10</sup>

The Order also addressed filed, but still pending, state petitions for delegated authority. States with such pending petitions were required to update those petitions to accommodate the Commission’s requirement that the states “include a showing of specific criteria in their petitions for pooling authority. Each petition [was required to] demonstrate that: 1) that [sic] an NPA in

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<sup>7</sup> See In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd. 7574 (2000) (“Numbering Resource Optimization Order”).

<sup>8</sup> Id. at 7644-51 ¶¶ 157-68.

<sup>9</sup> The Spokane area code is not in the top 100 MSAs.

its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year, and 3) that NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable.”<sup>11</sup>

The Commission recognized, however, that there might be “special circumstances” warranting additional delegated authority even though the above-recited three criteria could not be met. Thus, the Commission made accommodation for supplemental filings within 30 days of the date of the Order for those states unable to meet the above criteria. In that case, states could petition the FCC for special relief.<sup>12</sup> The FCC continued: “Although our national pooling framework implements pooling on an NPA basis within the largest 100 MSAs, we will continue to grant states interim pooling authority in a single MSA in their state.” It then outlined how delegated authority might proceed from one MSA to another.<sup>13</sup> The Common Carrier Bureau (“Bureau”) was granted authority to itself delegate authority to states for “numbering authority when no new issues are raised.”<sup>14</sup>

The July, 2000 State Delegation Order was the Commission’s response to the pending/supplemented state petitions for additional delegated authority regarding number conservation and number pooling. That Order provided additional delegated authority to the WUTC. The question for resolution is: “What was the scope of that additional delegated authority?” It is Qwest’s position that the WUTC could not have been granted more delegated authority than it asked for. More precisely, it could not have been granted more authority than it

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<sup>11</sup> Numbering Resource Optimization Order, 15 FCC Rcd. at 7651 ¶ 169.

<sup>12</sup> Id. at 7652 ¶ 170 (citation omitted).

<sup>13</sup> Id.

<sup>14</sup> Id. Additional matters, such as cost recovery were also addressed. Id. at 7652-53 ¶ 171.

specifically pled and proved under the “special circumstances” standard of review outlined by the Commission. As demonstrated below, specific references to Spokane and the 509 area code in the WUTC’s Petitions are isolated. Those references are limited more to a description than a demonstration of “special circumstances.”

B. The WUTC Filings

In December of 1999, the WUTC filed a “Petition for Additional Delegated Authority to Implement Number Conservation Measures.”<sup>15</sup> This was after the 1998 Pennsylvania Numbering Order and before the FCC’s issuance of its Numbering Resource Optimization Order. Thus, the filing was made pursuant to the Commission’s general language of “encouragement” or invitation as found in the 1998 Pennsylvania Numbering Order,<sup>16</sup> and before the “special circumstances” standard announced by the Commission in the Numbering Resource Optimization Order.

In the Dec. 1999 Petition, the WUTC asked the Commission for authority to implement thousand block number pooling generally<sup>17</sup> and referenced using its hoped-for authority to “delay new area codes [including] in the . . . 509 area code[ ].”<sup>18</sup> Beyond this specific reference to 509 and the need for new area codes, the 509 area code was most often mentioned only as a matter of general descriptive narrative of the state’s numbering history and resources.

All discussions of specific problems with numbering in Washington were focused in the

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<sup>14</sup> Id. at 7651-52 ¶ 170 (citations omitted).

<sup>15</sup> See Washington Utilities and Transportation Commission’s Petition for Additional Delegated Authority to Implement Number Conservation Measures, NSD File No. L-97-42 and CC Docket No. 96-98, Dec. 10, 1999 (“Dec. 1999 Petition” or “Petition”).

<sup>16</sup> See note 5 and associated text.

<sup>17</sup> Petition at 1, enumerated item (2).



Petition on **western** Washington. For example, the Petition stated that “[t]he majority of telephone customers in **western** Washington now have a different telephone number than they did in 1995, and they now face the prospect of having to cope with mandatory 10-digit dialing for all local calls and having multiple area codes within the local calling areas of even the most rural areas of the state.”<sup>19</sup> The next paragraph focused on the specifics of area code relief for **western** Washington (i.e., the **Seattle** Metropolitan area).<sup>20</sup>

Beyond the specific references to **western** Washington, the Petition did include general references to the WUTC’s desire for some kind of broad-based authority regarding number administration (e.g., the WUTC sought “the delegated authority commensurate with what the FCC has granted to other states in recent months. . . . [W]e also believe we need the additional delegated authority to protect consumers in Washington state who have already done their share to accommodate” inadequacies in numbering administration).<sup>21</sup> And, the WUTC made the explicit observation that it saw “no practical reason why [thousand-block number pooling] should not be implemented, using the current industry standard, in any area code where the state is willing to bear the costs of [such] roll-out.”<sup>22</sup>

On April 28, 2000, the WUTC filed an “Amended Petition for Additional Delegated

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<sup>18</sup> Id. at 2.

<sup>19</sup> Id. at 3 (emphasis added).

<sup>20</sup> First paragraph under “B.” on pages 3-4, discussing **western** Washington and pages 3-5 discussing past history and potential exhaust of area codes in the **Seattle** area.

<sup>21</sup> Id. at 3. And see id. at 6-7, where the WUTC asks for relief, and 7-8 where it discusses the benefits of number pooling.

<sup>22</sup> Id. at 8. Of course, the “current industry” (not to mention regulatory) “standard” would not support number pooling in eastern Washington or the Spokane area.

Authority to Implement Number Conservation Measures”<sup>23</sup> to conform to the requirements of the FCC’s Numbering Resource Optimization Order. That Amended Petition led off by referencing its earlier-filed Petition and reciting that it was seeking relief under the “special circumstances” criteria of the Numbering Resource Optimization Order.<sup>24</sup> The introductory material also noted that, while there had been additional area codes created in the state over the past half decade, no area code in the state met the requirements outlined by the FCC for a streamlined delegation.

The Amended Petition referenced the Spokane area code on page 2, noting that “the 509 area code is projected to reach exhaustion in April, 2002, and the industry is currently in the process of developing a relief plan.” It noted that the code was not in jeopardy but “faces the prospect of an additional area code due in large part to the inefficient use of existing prefixes.”<sup>25</sup> In terms of specific facts pled regarding Spokane, the 509 area code and the potential need for delegated authority, the two references immediately above constitute the extent of the Spokane references. In addressing the matter of “top 100 MSAs,” the WUTC mentioned only the Seattle consolidated MSA and that of Portland/Vancouver.<sup>26</sup> No reference was made to Spokane.

The third page of the Amended Petition begins with the accurate observation that “The *Report and Order* [a reference to the Numbering Resource Optimization Order] states that interim number pooling authority will be granted in **special circumstances** ‘where pooling would be of benefit in NPAs that do not meet all of the above criteria’” (quoting from the Order,

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<sup>23</sup> See Washington Utilities and Transportation Commission’s Amended Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 99-200, Apr. 28, 2000 (“Apr. 2000 Amended Petition” or “Amended Petition”).

<sup>24</sup> Amended Petition at 1.

<sup>25</sup> Id. at 2 (footnote omitted).

<sup>26</sup> Id.

emphasis added). It continues: “Such special circumstances exist in **western** Washington, where the **Seattle** MSA has gone from one area code in 1995 to four area codes in 2000 and now faces the prospect of at least one more area code in the next year.”<sup>27</sup> The WUTC then continued to address/discuss the facts as they pertained to the **Seattle** MSA and concluded that “there can be no doubt as to the fact that the existing procedures are [sic] use of numbering resources is not working for the consumers and businesses of **western** Washington.”<sup>28</sup>

The Amended Petition then goes on to address the industry plan “currently under consideration” which would be “to implement mandatory number pooling in the **Seattle** consolidated metropolitan statistical area.”<sup>29</sup> The Amended Petition then discusses how this might be done utilizing the version 3.0 software, rather than earlier versions.<sup>30</sup>

Like its earlier-filed Petition, the WUTC’s Amended Petition has some statements referencing the state of Washington overall or generally. For example, after talking about the status of **western** Washington, the Amended Petition states that “the Number Administrator projects that the state of Washington will need 690 new prefixes every year, indefinitely, unless number conservation measures are introduced.”<sup>31</sup> Even then, however, such broad statements are most often followed up with more specific observations about **western** Washington. For example, in a sentence away from the one quoted above, the Amended Petition states that “the consumers and businesses of **western** Washington should (and do) expect that the industry make

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<sup>27</sup> Id. at 3 (emphasis added).

<sup>28</sup> Id. (emphasis added).

<sup>29</sup> Id. at 4 (emphasis added).

<sup>30</sup> Id.

every reasonable effort” to conserve numbering resources.<sup>32</sup> The immediate next sentence reads, “At this point, most **western** Washington customers have now been forced to change their telephone numbers” and deploy 10-digit dialing.<sup>33</sup> This discussion concludes with a reference to previous area code splits, all NPAs associated with western Washington.<sup>34</sup>

In support of its arguments that delegated authority should be granted to it, the WUTC’s Amended Petition made specific note of the fact that the FCC’s national number pooling requirements would “eventually include **western** Washington, since **Seattle** and Vancouver are on the list of top 100 MSAs.”<sup>35</sup> It makes no reference to the fact that the Spokane NPA would certainly not “eventually” be covered by the national deployment, at least not as it is currently proposed.

C. The FCC’s Grant Of Delegated Authority To The WUTC

In granting delegated authority relief to the WUTC, the FCC notes that the WUTC had “request[ed] the authority to implement thousands-block number pooling in Washington.”<sup>36</sup> The Commission then makes specific references to the **Seattle** MSA and the Portland/Vancouver MSA.<sup>37</sup> It goes on to address those “special circumstances” pled by the WUTC that might

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<sup>31</sup> Id. at 3. And, in its concluding paragraph it notes as it believes that its “request for additional delegated authority set forth in [its] original petition, as amended, will prolong the lives of all of the area codes in Washington.” Id. at 4.

<sup>32</sup> Id. at 3 (emphasis added).

<sup>33</sup> Id. (emphasis added).

<sup>34</sup> Id.

<sup>35</sup> Id. at 4 (emphasis added).

<sup>36</sup> State Delegation Order ¶ 50.

<sup>37</sup> Id. ¶ 51.

warrant such relief. The lead off discussion and everything that immediately follows involves western Washington and the Seattle area.<sup>38</sup>

The State Delegation Order, however, does make passing reference to the state and its potential authority in language broader than Seattle/Portland/Vancouver. It is the language in that Order which causes the confusion over the scope of the authority delegated to the WUTC. The Commission stated:

We agree with the Washington Commission that special circumstances exist that warrant granting its request for thousands-block number pooling authority. Delaying thousands-block number pooling in the state of Washington has the potential to perpetuate the current numbering crisis in the state of Washington. We thus grant the Washington Commission the authority to implement thousands-block pooling trials in the state subject to the conditions and safeguards set forth above.<sup>39</sup>

D. The WUTC Does Not Have The Authority It Asserts

The delegation language quoted above has caused the WUTC to claim authority to order number pooling in Spokane (eastern Washington). This is true despite the fact that Spokane is referenced specifically as an area of possible need only three times in the course of two pleadings (once in the original Petition and in two sentences in the Amended Petition),<sup>40</sup> and that Spokane is not likely to soon be a candidate for national pooling under the 100 top MSA scenario (unlike

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<sup>38</sup> Id. ¶ 52.

<sup>39</sup> Id. In its Order, the WUTC quotes from the second sentence in the above-quoted language as support for its position that it has authority to order number pooling in Spokane. See attached USTC Order at numbered paragraph 2.

<sup>40</sup> See note 17, supra (addressing the Petition and the remark that the WUTC hoped to use its number pooling authority to delay future area code relief, including for the area associated with the 509 code); and note 24 and associated text, supra (noting the two sentences referencing the 509 code, the first asserting that the industry was currently in the process of developing a relief plan and the second asserting that the 509 code needed such a plan because of inefficient use of numbering resources).

Seattle and Vancouver which were specifically discussed by the WUTC in its “special circumstances” filing).

Despite the broad language found in the State Delegation Order paragraph quoted above, Qwest does not believe the WUTC has the authority to order a number pooling trial in eastern Washington or the Spokane area. That geography and NPA could not (and do not) meet the three conditions for standard delegations. But -- even more importantly -- the filed WUTC’s materials, although mentioning the 509 NPA in general discussions, never assert let alone prove facts that would support a finding of “special circumstances” associated with **eastern** Washington or the Spokane NPA.

It is impossible to imagine how the FCC could grant delegated authority to the WUTC without any supporting facts or data. The three sentences referencing the 509 area code pale in comparison to the substantial volume of discussion -- proffered to meet the “special circumstances standard” -- involving **western** Washington and the effect of the numbering “crises” on the residential and business customers in that area. It violates fair pleading and fair process to argue that this kind of petition can support the kind of relief the WUTC claims was granted to it by the FCC.

Furthermore, the Bureau would not have been authorized to grant the WUTC the relief it claims it received. Such action would clearly have gone beyond the authority delegated to the Bureau by the Commission, which authority was confined to granting relief to states where no new issues were raised.<sup>41</sup> Granting to a state number pooling authority where there were no “special circumstances” pled or proved would certainly have amounted to delegation in the realm of a “new issue.”

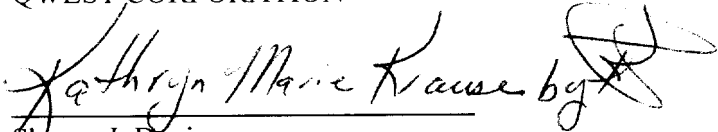
### III. CONCLUSION

For all the above reasons, we request this Commission “clarify” -- or, if more appropriate to “declare” -- that its State Delegation Order does not support the scope of delegated authority claimed by the WUTC. While such authority could possibly be granted upon the filing of another WUTC petition that pled and proved “special circumstances” with respect to the need for numbering conservation or pooling in eastern Washington, absent such additional filing an Order by the WUTC mandating a pooling trial in Spokane is not lawful.

Respectfully submitted,

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January 22, 2001

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<sup>41</sup> Numbering Resource Optimization Order, 15 FCC Rcd. at 7651-52 ¶ 170.

## ATTACHMENT 1



SERVICE DATE

DEC - 1 2000

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

IN THE MATTER OF THE	)	DOCKET NO. UT-991627
INVESTIGATION INTO THE ISSUE	)	
OF NUMBERING RESOURCES	)	ORDER REQUIRING A
.....	)	NUMBER POOLING TRIAL
	)	IN AREA CODE 509

**I. FINDINGS OF FACT**

1 On July 20, 2000, the Federal Communication Commission (FCC) delegated to the Washington Utilities and Transportation Commission (Commission) authority to implement thousand-number block pooling in Washington. *In re Numbering Resource Optimization Implementation of Local Competition Provisions of Telecommunications Act of 1996*, 2000 WL 991629 (F.C.C., July 20, 2000) (No. DA 00-1616, NSD L-99-100, NSD L-99-82, CC 99-200, NSD L-00-16, NSD L-99-96, CC 99-9698, NSD L-99-98, NSD L-00-08).

2 Thousand-number block number pooling involves the sharing of telephone prefixes by more than one telecommunications company offering service in a particular area. The FCC has concluded that pooling is "an important numbering resource optimization strategy, essential to extending the life of the [North American Numbering Plan]." Moreover, the FCC has found that "[d]elaying thousands-block number pooling in the state of Washington has the potential to perpetuate the current numbering crisis in the state of Washington." *Id.* at 24.

3 The Commission's authority is limited in several ways, including the pace at which it can require companies to implement pooling, the type of companies that can be required to participate, the need to conform to industry-developed pooling guidelines, and the allocation and recovery of costs incurred in such a pooling trial.

4 The FCC's delegation of authority was in response to a petition filed by the Commission on December 10, 1999, which was supplemented on April 27, 2000, in response to the FCC's March 31, 2000, Number Resource Optimization order. *See In the Matter of Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, CC Docket No. 99-200, FCC 00-104 (March 20, 2000).

5 In anticipation of the FCC delegation of authority, the Commission on February 23, 2000, directed the telecommunications industry to develop an implementation plan for a number pooling trial. In response to this directive, the Technical Subcommittee

of the Washington Exchange Carrier Association (WECA) submitted its *Generic Pooling Plan for Washington* on September 26, 2000.

6 The Commission solicited proposals to serve as the state's interim number pooling administrator. On October 31, 2000, the Commission designated Telcordia Technologies, Inc. for this function.

7 At the Commission's November 8, 2000, open meeting the Staff recommended that the Commission order a number pooling trial in the four area codes of western Washington (360, 206, 253, and 425). The Commission heard comments from interested members of the telecommunications industry and took no action on the matter.

8 At the Commission's November 29, 2000, open meeting, the Staff presented a revised recommendation to implement number pooling in area code 509. Staff stated four reasons for the change in approach: (a) pooling is likely to be more effective in area code 509; (b) pooling in area code 509 can be implemented on a more reasonable schedule; (c) much of western Washington will be covered by a national pooling plan; (d) the cost of a pooling program will be less in area code 509.

9 Staff recommended that the pooling trial begin on July 8, 2001, in the rate centers in the Spokane metropolitan statistical area, which consists of Spokane County. Staff recommended that the Commission address the schedule for pooling in the remainder of area code 509 only if the industry does not voluntarily include it in the initial implementation.

10 Staff recommended that number pooling be required only in those rate centers where local number portability is implemented, which is one of the requirements of the FCC's delegated authority.

11 The Commission heard comments from Qwest Corporation, Verizon Communications, the Washington Independent Telephone Association, Public Counsel, and the WECA Technical Subcommittee. Qwest opposed Staff's recommendation, and other industry representatives expressed concern about it. Public Counsel urged the Commission to approve the Staff recommendation.

12 Qwest stated that the cost of a number pooling trial would be \$28 million and that the FCC's delegation of authority would require the Commission to approve a cost recovery mechanism to charge customers that entire amount. Qwest recommended that the Commission instead require that companies return unused prefixes in area code 509 and delay action on number pooling.

13 Staff stated that the Qwest cost numbers have not been supported and that Qwest is attributing to a specific pooling trial in area code 509 costs that it will occur regardless of whether this trial goes forward. Staff recommended that all cost issues be considered after providing interested parties an opportunity to provide comments.

## II. CONCLUSIONS OF LAW

14 The Commission has jurisdiction over this matter pursuant to RCW 80.36.610, which gives the Commission authority to take actions necessary to implement the Federal Telecommunications Act of 1996.

15 Based on the Commission's findings of fact in this matter, the Commission concludes that a number pooling trial should be implemented in area code 509.

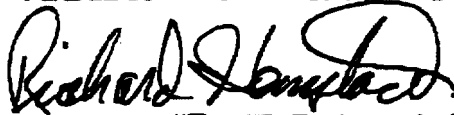
## III. ORDER

- 16 (1) The Commission directs all telecommunications companies with prefixes in rate centers serving the Spokane metropolitan statistical area and with switches capable of local number portability to implement a thousand-number block pooling trial by July 8, 2001.
- 17 (2) The Commission directs each company subject to this order to cooperate with the designated interim number pooling administrator in implementing the requirements of this order and to fulfill all service provider responsibilities as set out in the WECA number pooling plan.
- 18 (3) The Commission retains jurisdiction over this matter to issue such future orders and take such future actions as may be appropriate.

DATED at Olympia, Washington, and effective this 30<sup>th</sup> day of November, 2000.

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

  
MARILYN SHOWALTER, Chairwoman

  
RICHARD HEMSTAD, Commissioner

  
WILLIAM R. GILLIS, Commissioner

## ATTACHMENT 2

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE INVESTIGATION )	
INTO THE ISSUE OF NUMBERING )	Docket No. UT-991627
RESOURCES )	PETITION FOR RECONSIDERATION,
_____ )	OR, IN THE ALTERNATIVE, WAIVER

Qwest Corporation ("Qwest"), hereby asks the Washington Utilities and Transportation Commission ("Commission") to reconsider its order in this docket as set forth below. In the alternative, if the Commission determines that reconsideration is not warranted, or if on reconsideration the Commission affirms its order, Qwest requests a waiver of certain provisions of the Commission's December 1, 2000 order in this docket, instituting a number pooling trial in the Spokane Metropolitan Statistical Area ("MSA").

**I. INTRODUCTION**

On December 1, 2000, the Commission entered an order instituting a number pooling trial in the Spokane MSA. The Commission stated that the trial was ordered pursuant to delegated authority from the Federal Communications Commission ("FCC"). However, Qwest respectfully suggests that the Commission lacks delegated authority from the FCC to initiate a number pooling trial outside of western Washington. Thus, Qwest asks the Commission to reconsider its order and

1 to conclude that it erred in ordering a trial in eastern Washington. Alternatively, Qwest seeks a  
2 waiver of the requirement that it participate in the number pooling trial due to the high costs to  
3 Qwest of participating in the trial and the low public benefit that will result, as well as the fact that  
4 Qwest currently has a very high utilization of telephone numbers in the Spokane MSA.  
5

## 6 **II. ARGUMENT**

### 7 **A. The Commission Lacks Delegated Authority from the FCC to Order the Trial**

8 Qwest does not believe that the Commission has authority, under the FCC *State*  
9 *Delegation Order*<sup>1</sup> to order number pooling in eastern Washington. The *State Delegation Order*  
10 came about as the result of the FCC's invitation to states to submit cases with "special  
11 circumstances" to the FCC, who would consider those cases and possibly grant the states more  
12 authority than was granted to them in its *1998 Pennsylvania Numbering Order*.<sup>2</sup>

13 In December of 1999, the Commission filed a "Petition for Additional Delegated Authority  
14 to Implement Number Conservation Measures." In that Petition, the Commission asked the FCC  
15 for authority to implement thousands block number pooling generally<sup>3</sup> and referenced using its  
16 authority to "delay new area codes in the . . . 509 area code".<sup>4</sup> Beyond this reference, the 509 code  
17 was mentioned most often in terms of descriptive narrative of the state's numbering history and  
18 resources.

19 <sup>1</sup> See, *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the*  
20 *Telecommunications Act . . . Washington Utilities and Transportation Commission's Amended Petition for Additional*  
*Delegated Authority to Implement Number Conservation Measures*, CC Docket Nos. 99-200 and 96-98, NSD File No.  
L-99-102, Order DA 00-1616, 2000 FCC Lexis 3752, rel. July 20, 2000.

21 <sup>2</sup> See, *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of*  
22 *the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717; Implementation of the*  
*Local Competition Provisions of the Telecommunications Act of 1996*, NSD File No. L-97-42; CC Docket No. 96-98,  
23 *Memorandum Opinion and Order and Order on Reconsideration*, FCC 98-224 ¶¶ 31 ("We therefore encourage such  
state commissions . . . to request from the Commission an additional, limited, delegation of authority to implement . . .  
proposed conservation methods"), 54.

24 <sup>3</sup> Dec. 1999 Petition at 1, enumerated item (2);

25 <sup>4</sup> *Id.* at 2.

1 All discussions of "special circumstances" in the Petition focused on western Washington,<sup>5</sup>  
2 while general references to desires for additional authority were broader (e.g., the Commission  
3 sought "the delegated authority commensurate with what the FCC has granted to other states in  
4 recent months. . . . [W]e also believe we need the additional delegated authority to protect  
5 consumers in Washington state who have already done their share to accommodate" inadequacies  
6 in the numbering administration).<sup>6</sup>  
7

8 In the FCC's *Number Resource Optimization Order*,<sup>7</sup> the FCC established basic criteria for  
9 the implementation of number pooling, including a deployment schedule. That schedule provided  
10 for the implementation of number pooling in the top 100 Metropolitan Statistical Areas ("MSA")<sup>8</sup>  
11 first in order to allow carriers to have the necessary resources to provide a rationale, phased-in  
12 pooling methodology. This deployment schedule was acknowledged to have room for some  
13 deviation, but only after the granting of a waiver of additional delegated authority to the states to  
14 deviate from it.

15 That *Numbering Resource Optimization Order* provided that states whose petitions for  
16 delegated authority had not yet been granted must update those petitions to accommodate the  
17 FCC's requirement that the states "include a showing of specific criteria in their petitions for  
18 pooling authority. Each petition [was required to] demonstrate: 1) that an NPA in its state is in  
19 jeopardy, 2) that the NPA in question has a remaining life span of at least a year, and 3) that NPA

20 <sup>5</sup> See, e.g., "The majority of telephone customers in western Washington now have a different phone number than  
21 they did in 1995, and they now face the prospect of having to cope with mandatory 10-digit dialing for all calls and  
22 having multiple area codes within the local calling areas of even the most rural areas of the state." *Id.* at 3. The next  
paragraph focuses on the specifics of area code relief for western Washington (i.e., the Seattle Metropolitan area), first  
paragraph under "B." on pages 3-4, discussing western Washington and pages 3-5 discussing past history and  
potential exhaust of area codes in the Seattle area.

23 <sup>6</sup> *Id.* at 3; and see *id.* at 6-8.

24 <sup>7</sup> See, *In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed  
Rulemaking*, CC Docket No. 99-200, rel. Mar. 31, 2000.

25 <sup>8</sup> The Spokane area code is not in the top 100 MSAs.

1 is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are  
2 LNP-capable.”<sup>9</sup>

3  
4 The FCC recognized, however, that there might be “special circumstances” warranting  
5 additional delegated authority even though the above-recited three criteria could not be met. Thus,  
6 the FCC made accommodation for supplemental filings within 30 days of the date of the *Order* for  
7 those states unable to meet the above criteria. In that case, states could petition the FCC for  
8 special relief.

9 On April 27, 2000, the Commission filed with the FCC an “Amended Petition for  
10 Additional Delegated Authority to Implement Number Conservation Measures.” That Amended  
11 Petition stated that it was seeking relief under the “special circumstances” component of the  
12 *Numbering Resource Optimization Order*.<sup>10</sup> The Amended Petition also noted that no area code in  
13 the state met the requirements outlined by the FCC for a streamlined delegation.

14 The Amended Petition referenced the Spokane area code on page 2, noting that “the 509  
15 area code is projected to reach exhaustion in April, 2002, and the industry is currently in the  
16 process of developing a relief plan” and it noted that the code was not in jeopardy but “faces the  
17 prospect of an additional area code due in large part to the inefficient use of existing prefixes.”<sup>11</sup>  
18 In addressing the matter of “top 100 MSAs,” the Commission mentioned only the Seattle  
19 consolidated MSA and that of Portland/Vancouver.<sup>12</sup> No reference was made to Spokane.

20 The Amended Petition accurately states that “The *Report and Order* states that interim  
21 number pooling authority will be granted in special circumstances ‘where pooling would be of  
22 benefit in NPAs that do not meet all of the above criteria’ (quoting from the *Order*). It continues:  
23 “Such special circumstances exist in **western** Washington, where the Seattle MSA has gone from

24 <sup>9</sup> ¶ 170.

25 <sup>10</sup> Amended Petition at 1.

26 <sup>11</sup> *Id.* at 2.



1 one area code in 1995 to four area codes in 2000 and now faces the prospect of at least one more  
2 area code in the next year.”<sup>13</sup> The Commission then continued to address/discuss the facts as they  
3 pertained to the Seattle MSA and concluded that there can be no doubt as to the fact that the  
4 existing procedures for the use of numbering resources is not working for “the consumers and  
5 businesses of **western** Washington.”<sup>14</sup> The Amended Petition goes on to address the industry plan  
6 currently under consideration, which would be “to implement mandatory number pooling in the  
7 Seattle consolidated metropolitan statistical area”.<sup>15</sup>

8  
9 The Commission did include some statements in its Amended Petition of a statewide  
10 nature. For example, after talking about the state of western Washington, it states that “the  
11 Number Administrator projects that the state of Washington will need 690 new prefixes every  
12 year, indefinitely, unless number conservation measures are introduced.”<sup>16</sup> Even then, however,  
13 such broad statements are most often followed up with more specific observations about **western**  
14 Washington.<sup>17</sup> For example, in support of its arguments that delegated authority should be granted  
15 to it, it made specific note of the fact that the FCC’s national number pooling requirements would  
16 “eventually include western Washington, since Seattle and Vancouver are on the list of top 100  
17 MSAs.” It makes no reference to the fact that the Spokane NPA would not eventually be covered  
18 by the national deployment, at least not as it is currently proposed.

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19 <sup>12</sup> *Id.*

20 <sup>13</sup> *Id.* (emphasis added).

21 <sup>14</sup> *Id.* (emphasis added).

22 <sup>15</sup> *Id.* And see note 10, where the Commission described the consensus industry standard as involving the Seattle area.

23 <sup>16</sup> Amended Petition at 3. In its concluding paragraph it notes as it believes that its “request for additional delegated  
24 authority set forth in [its] original petition, as amended, will prolong the lives of all of the area codes in Washington.”  
25 *Id.* at 4.

26 <sup>17</sup> For example, two sentences after the one above-quoted states that “the consumers and businesses of western  
Washington should (and do) expect that the industry make every reasonable effort to” conserve numbering resources.  
The immediate next sentence reads, “At this point, most western Washington customers have now been forced to  
change their telephone numbers” and deploy 10-digit dialing. It then references previous area code splits, all NPAs  
associated with western Washington.

1  
2 In granting the Commission relief, the FCC notes that the Commission there “request[ed]  
3 the authority to implement thousands-block number pooling in Washington.”<sup>18</sup> The FCC  
4 references the Seattle MSA and the Portland/Vancouver MSA.<sup>19</sup> It then goes on to address those  
5 “special circumstances” pled by the Commission that might warrant such relief. The entire  
6 discussion involves **western** Washington and the Seattle area.<sup>20</sup>

7 Unfortunately, there is some confusion created by other language in the State Delegation  
8 Order which does reference the “state” of Washington, that is not limited to Seattle/Portland/  
9 Vancouver. It is this language that causes the confusion over the scope of the delegated authority.  
10 The FCC stated:

11 We agree with the Washington Commission that special circumstances exists that warrant  
12 granting its request for thousands-block number pooling authority. Delaying thousands-  
13 block number pooling in the state of Washington has the potential to perpetuate the current  
14 numbering crisis in the state of Washington. We thus grant the Washington Commission  
15 the authority to implement thousands-block pooling trials in the state subject to the  
16 conditions and safeguards set forth above.<sup>21</sup>

17 Qwest understands that the reference in this delegation language “authority to implement . . . in  
18 the state” is the basis upon which the Commission concludes it has the authority to order number  
19 pooling in Spokane.

20 Despite the broad language found in the *State Delegation Order*, Qwest does not believe  
21 the FCC specifically granted the Commission authority to order a number pooling trial in eastern  
22 Washington or the Spokane area. That geography and NPA do not meet the three FCC conditions  
23 for standard delegations, nor did the Commission specifically request delegated authority for  
24 **eastern** Washington or the Spokane NPA. The 509 area code and the Spokane area are only  
25 mentioned in the most general way, with no specifics or facts in support of authority for a trial in  
26

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<sup>18</sup> *State Delegation Order* at ¶ 50.

<sup>19</sup> *Id.* at ¶ 51.

<sup>20</sup> *Id.* at ¶ 52.

<sup>21</sup> *Id.*

1 that part of the state. Thus, Qwest asks the Commission to reconsider its order in this regard, and  
2 to determine that it has authority only to order a trial in western Washington.  
3

4 **B. The Commission Should Grant Qwest a Waiver of the Trial Requirements**

5 The Commission should, if it determines that it has jurisdiction to order the number  
6 pooling trial, grant Qwest a waiver of the trial requirements. Qwest's participation in the trial  
7 would result in very little public benefit and would cause Qwest ratepayers to incur costs  
8 disproportionate to the small benefit that would result. The objective of the number pooling trial  
9 should be to free up measurable quantities of unused telephone numbers, thereby delaying the  
10 requirement for a new area code. However, Qwest's participation in such a trial produces very  
11 little public benefit, specifically because Qwest has only a small quantity of telephone numbers  
12 that it could contribute to the Spokane trial, relative to the number of customers Qwest serves, and  
13 the disproportionately high quantity of unused numbers that other carriers can contribute.

14 In the past, carriers have requested and been assigned an entire NXX code within an area  
15 code, without a requirement to show a need for additional numbers prior to assignment of a new  
16 NXX.<sup>22</sup> Each NXX provides for 10,000 numbers. Once assigned, the carrier has been free to  
17 assign some or all of the numbers in that code, or to simply hold the code for future use. Qwest  
18 understands that there are 98 NXX codes assigned to local exchange carriers other than Qwest in  
19 the Spokane MSA. See Attachment A. Qwest has 67 assigned NXX codes in this same area, or  
20 41% of the total assigned NXX codes. Qwest's utilization rate for telephone numbers within the  
21 Spokane MSA is 75%.<sup>23</sup>

22 <sup>22</sup> The NXX code is the first three digits of a seven-digit telephone number.

23 <sup>23</sup> 67 NXX codes equals 670,000 telephone numbers. 501,616 of the 670,000 telephone numbers assigned to Qwest in  
24 the Spokane MSA are currently in use.  $501,616/670,000 = 74.9\%$ .

1  
2 There are 165 assigned NXX codes in the Spokane MSA. Of those, 139, or 84% of the  
3 total assigned NXX codes, are in the Spokane rate center.<sup>24</sup> See Attachment A. Thus, the primary  
4 benefit of a number pooling trial in the Spokane MSA will result from carriers who return codes or  
5 thousand blocks of numbers in the Spokane rate center. Qwest has 45% of the assigned NXX  
6 codes (62 codes) in Spokane. However, Qwest continues to serve most of the residence and many  
7 of the business customers in Spokane.<sup>25</sup>

8 Attachment A indicates that Electric Lightwave, Connect, XO, Avista and Time Warner  
9 (formerly GST) combined have 50% of the assigned NXX codes (70 codes), or eight more codes  
10 than Qwest, in the Spokane rate center. Yet these carriers serve less than 20% of the total Spokane  
11 marketplace.<sup>26</sup> Thus, it is clear that other providers have NXX codes with either no numbers  
12 assigned to customers, or only very minimal utilization. These providers should produce the  
13 greatest contribution to the number pool.

14 In addition, the cost to implement number pooling for other providers should be  
15 significantly less than that incurred by Qwest. Qwest has ten switches in the Spokane rate center  
16 and fifteen in the Spokane MSA. Each switch must be upgraded for number pooling, which  
17 includes the deployment of hardware and software at each location. The 1999 Annual CLEC  
18 Report indicates that ELI, Time Warner and XO each only have one voice switch in Spokane.  
19 Because these same carriers only operate one voice switch in the Spokane MSA, and because each  
20 individual switch must be modified to accommodate number pooling, the switch modification  
21 cost to contribute numbers in a number pooling trial should be significantly less for the CLECs  
22 than the costs projected to be incurred by Qwest. Therefore, it is highly probable that the greatest

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23 <sup>24</sup> There are 14 rate centers in the Spokane MSA. Six rate centers are within Qwest's serving area; one of which is  
24 Spokane.

25 <sup>25</sup> In Docket UT-000883, the Commission staff conducted a business market share analysis and found that Qwest  
26 served 55% of the business market. Qwest has approximately 166,409 residence lines and 50,496 business lines in  
Spokane.

1 public benefit from a number pooling trial in the Spokane MSA will result from contributions of  
2 numbers by new local exchange carriers with low number utilization rates.

3  
4 Cost/Benefit Of Qwest's Participation

5 Qwest has estimated its cost of participating in this trial. These costs, depending upon  
6 jurisdictional allocation of common costs, could be as much as \$26.9million.<sup>27</sup> This estimate  
7 includes the costs of software and hardware deployment, number analysis, training and  
8 translations in the Spokane MSA and Washington's share of the cost to implement the  
9 modifications to Qwest's Operating Support Systems (OSS) and Service Control Points (SCP)  
10 across its operating territory.<sup>28</sup> Qwest estimates that just the cost of upgrading its Spokane rate  
11 center switches for number pooling alone is approximately \$1.06 million.

12 Clearly, under applicable FCC orders to date, it would appear that Washington ratepayers  
13 will be required to bear the full costs for implementing a Washington number pooling trial in  
14 Spokane. The FCC has stated the following with regard to inter versus intrastate costs, and  
15 recovery of those costs:

16 [W]e will allow incumbent LECs to recover all their qualifying costs for thousands-block  
17 number pooling under the federal cost recovery mechanism we establish. . . . Until  
18 national thousands-block number pooling is implemented and a federal cost recovery  
19 mechanism authorized, states may use their current cost recovery mechanisms to ensure  
20 that the carriers recover the costs of thousands-block number pooling implementation and  
administration in the meanwhile. Costs incurred by carriers to implement *state-mandated*  
thousands-block number pooling are *intrastate* costs and should be attributed solely to the  
state jurisdiction (emphasis added).

21 *Numbering Resource Optimization Order*, ¶ 197.

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22 <sup>26</sup> See footnote 25, above. This calculation assumes, based on evidence presented in Docket No. UT-000883, that  
these carriers do not serve a significant number of residential customers.

23 <sup>27</sup> See Attachment B.

24 <sup>28</sup> The cost to modify Qwest's OSS is currently estimated at \$70 million. This cost is spread across nine states in  
which 100 top MSAs are located or in which the FCC granted authority for a number pooling trial. These states  
include Arizona, Colorado, Minnesota, Nebraska, New Mexico, Oregon, Iowa, Utah and Washington. Qwest  
estimates Washington access lines that will be subject to number pooling represent 21.6% of the total access lines that  
will be subject to number pooling in these nine states. Qwest estimates Washington's 21.6% share of allocable  
network costs is approximately \$10.7 million.

1  
2 In a later order, the FCC recognized that OSS would have to be modified for purposes of  
3 number pooling.

4 Because thousands-block number pooling requires carriers to modify the manner in which  
5 they manage their inventory of telephone numbers, including changing their Operations  
6 Support Systems (OSSs) and retraining their staffs, we also direct the state commissions to  
ensure that an adequate transition time is provided to carriers to implement thousands-  
block number pooling in their switches and administrative systems (footnotes omitted).

7 *State Delegation Order* at ¶¶ 19-22.

8 In its December 29, 2000 order, the FCC reiterated that “costs associated with state  
9 implemented pooling trials should be excluded from the federal cost recovery mechanism.”<sup>29</sup>

10 The vast majority of Qwest’s number pooling costs are OSS modification and training  
11 costs as described by the FCC. If the Commission allows Qwest to wait until the federally  
12 mandated trial in the Seattle MSA, those costs should be recoverable under the FCC’s cost  
13 recovery mechanism. However, the cost of state trials must be recovered under a state  
14 mechanism.

15 Qwest understands that the desire to conduct the trial is driven by the scarcity of available  
16 telephone numbers, and the desire of the Commission to see those numbers utilized efficiently.  
17 However, Qwest’s analysis of the numbering resources in the Spokane MSA shows that Qwest  
18 does not have a significant quantity of unassigned or available numbers for contribution to the  
19 number pool in Spokane, and that its participation in the trial would not materially increase the  
20 quantity of numbers available to the industry.

21 Qwest had approximately 168,384 available numbers in Spokane as of December, 2000.<sup>30</sup>  
22 Qwest processes roughly 24,140 orders for new or additional lines in Spokane each month. Qwest

23  
24 <sup>29</sup> *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of*  
25 *the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Second Report and*  
*Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 and Second Further Notice of*  
*Proposed Rulemaking in CC Docket No. 99-200; (rel. December 29, 2000).*

1 also disconnects a significant quantity of lines each month. Thus, Qwest estimates the number of  
2 telephone numbers it may have available to contribute to the pool is most likely less than 50,000  
3 numbers, based on August 2000 data. This is not to suggest that there are five NXX codes unused,  
4 or fifty blocks of one-thousand consecutive telephone numbers that Qwest can contribute to the  
5 number pooling trial. It simply means that there are an estimated 50,000 unassigned telephone  
6 numbers spread throughout all of the NXXs assigned to Qwest in the Spokane MSA. As  
7 previously stated, Qwest operates at a 75% utilization level in the Spokane MSA.  
8

9 With number pooling, costs associated with planning, provisioning and maintenance of the  
10 number pooling functions and associated hardware as well as the administration, inventory  
11 management and reporting requirements are expected to be significant. Existing telephone  
12 numbers must be reviewed to determine which number blocks should be donated to the pool and  
13 which, if any, must be ported back to the switch prior to donation. Without this review, it is not  
14 possible to determine which blocks should or should not be donated and customers could easily be  
15 inadvertently disconnected from service. Automated systems to support the work required for  
16 national number pooling are expected to be available by mid 2001 as more pooling locations are  
17 introduced. Automation should measurably reduce personnel related costs.

18 Other local exchange providers may be able to contribute as many as 500,000 telephone  
19 numbers to the pool, for very little cost.<sup>31</sup> On the assumption that other local providers incur the  
20 central office switch upgrade cost estimated by Qwest for its 5ESS switches, each provider would

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21 <sup>30</sup> 501,616 of the 670,000 telephone numbers assigned to Qwest in the Spokane MSA are in use by Qwest. Existing  
22 telephone numbers utilized by Qwest are categorized, as required by the FCC, as assigned, reserved, aging,  
23 intermediate and administrative lines. Assigned numbers are working customer telephone numbers. Reserved  
24 numbers are numbers held for customers whose equipment is not yet ready for assignment of the actual telephone  
25 number. Aging numbers are numbers assigned to route to intercept recordings for disconnected but unavailable  
26 telephone numbers, etc. Intermediate numbers are numbers held for other carriers and administrative numbers are  
employee and test line numbers.

<sup>31</sup> For example, if ELI, XO and Connect each returned all but three NNX codes, 530,000 telephone numbers would be  
available for contribution to the pool.

1 incur costs of approximately \$50,000. This would result in a total cost of approximately \$250,000  
2 for five providers or \$0.50 per telephone number donated. Based on the estimated cost to deploy  
3 number pooling, the quantity of telephone numbers Qwest would contribute to the pool when  
4 compared to the cost to deploy number pooling is over \$500 per number donated.<sup>32</sup> Qwest's cost  
5 of Spokane rate center switch upgrades alone is over \$21 per telephone number contributed.<sup>33</sup>  
6 Clearly, the public interest is better served by granting Qwest a waiver from participation in such a  
7 trial until all other providers have contributed available telephone numbers and such numbers have  
8 subsequently been reassigned and utilized by all providers.  
9

#### 10 Utilization Issues

11 Qwest believes that the cost/benefit analysis regarding the pooling trial weighs heavily in  
12 favor of granting the requested waiver. However, the Commission may also wish to consider a  
13 utilization standard in determining whether a waiver is appropriate. Under this standard, the  
14 Commission could consider whether a particular carrier has a reasonable level of utilization of  
15 assigned numbers so as to warrant that carrier being excused from participation. Thus, the  
16 Commission could conclude that carriers who are already utilizing numbering resources in an  
17 efficient manner should not be required to participate in the trial.

18 If the Commission determines that it will look at utilization, Qwest suggests that level of  
19 utilization of 60-70% of assigned numbers might be a reasonable threshold. Higher utilization,  
20 such as the 75% that Qwest is experiencing, reflects a situation where there are truly only a very  
21 small number of telephone numbers that would be available. Lower utilization, in the 20-30%  
22 range, suggests that a carrier would be able to contribute a significant amount of unused numbers  
23 and should participate in the trial. The Commission could also consider how many NXX codes a

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24 <sup>32</sup> \$26.9 million/50,000 numbers.

25 <sup>33</sup> \$1.06 million cost to upgrade switches divided by 50,000 telephone numbers contributed equals \$21.20 per  
26 telephone number contributed.



1  
2 particular carrier had, and might make exceptions for low utilization where a carrier only had one  
3 or two codes, to allow for growth.

4 Under either the cost standard or the utilization standard, Qwest believes that it should be  
5 granted a waiver of the number pooling requirements, as its contribution to the trial would be  
6 minimal, and would impose significant costs.

7 Qwest's Contribution to Washington Number Conservation Measures

8 As previously stated, Qwest understands that the desire to conduct the number pooling trial  
9 is driven by the scarcity of available telephone numbers, and the desire of the Commission to see  
10 those numbers utilized efficiently. Qwest shares this desire and should the Commission grant this  
11 petition for waiver, Qwest will take extraordinary steps to ensure that it continues to utilize its  
12 available numbers efficiently. Qwest will institute the following number conservation methods.

13 1. Qwest will establish internal procedures and processes to assign numbers  
14 sequentially in an effort to maximize the utilization of numbers within a thousands-block before  
15 opening the next vacant thousand-block. This action will maximize utilization and minimize  
16 premature or unnecessary opening of unused blocks of numbers and new central office codes (i.e.,  
17 NXX codes or prefixes) in the all area codes under the direction of Qwest in Washington.  
18 Furthermore, Qwest will protect vacant thousands blocks from contamination, unless it does not  
19 have an adequate supply of telephone numbers in inventory, i.e., those blocks already open for  
20 assignment, to fill subscriber requests or to meet a specific customer request for an entire group of  
21 numbers within Qwest wire centers. This will preserve thousand-blocks for future assignment to  
22 number pools.

23 2. Qwest will initiate and conduct its own internal reviews of existing telephone  
24 number assignments to assure there is optimization of resources within the company and to  
25  
26

1 determine if any NXX codes can be returned to the North American Numbering Plan (NANP)  
2 Central Office (CO) code administrator.  
3

4 3. Qwest will file a notice with the Commission, of our intention to request a code  
5 from the NANP, at least eight days prior to a formal request for a central office code (NXXs). The  
6 notice will indicate the reason for requesting the NXX numbering resource(s). This will permit  
7 the Commission to directly monitor Qwest NANP requests.

8 4. Restrictions regarding reservations of telephone numbers will be consistent with  
9 the national guidelines.

10 5. Qwest will voluntarily comply with reclamation of unused central office codes  
11 (NXXs). This will eliminate the current requirement that the Commission go to the NANP code  
12 administrator to reclaim Qwest central office codes.

13 The above commitments are contingent upon future FCC rulings. Should the FCC require  
14 Qwest to take different measures than those identified above, Qwest will need to modify these  
15 methods.

### 16 CONCLUSION

17 For the reasons set forth above, the Commission should reconsider its order and decline to  
18 order a number pooling trial in the 509 area code. Alternatively, the Commission should waive its  
19 order as to Qwest's participation in the trial.

20 Respectfully submitted this 19th day of January, 2001.

21 **Qwest Corporation**

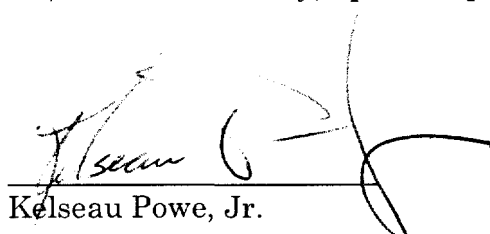
22  
23 By

\_\_\_\_\_  
24 Lisa A. Anderl, WSBA #13236  
25  
26

## CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 22<sup>nd</sup> day of January, 2001,

I have caused a copy of the **QWEST CORPORATION REQUEST FOR CLARIFICATION OR DECLARATION REGARDING THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION'S DELEGATED AUTHORITY ASSOCIATED WITH NUMBER POOLING TRIALS IN THE STATE OF WASHINGTON** to be served, via hand delivery, upon the persons listed on the attached service list.

  
Kelseau Powe, Jr.

William E. Kennard  
Federal Communications Commission  
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445 12<sup>th</sup> Street, S.W.  
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